

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>ROY LEE,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:15-CV-3883-L</b>
	)	
<b>DALLAS POLICE DEPT.,</b>	)	
<b>Defendant.</b>	)	

**RECOMMENDATION RE: NON-PRISONER'S IFP STATUS ON APPEAL**  
(For *pro se* non-PLRA appeals)

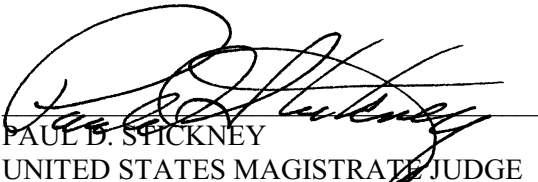
Before the Court are a Notice of Appeal and a Request to Proceed *In Forma Pauperis* on Appeal.

The Magistrate Judge, having considered the issue, recommends as follows:

- ( ) the party appealing should be GRANTED leave to proceed *in forma pauperis*.
- ( ) the party appealing is proceeding *in forma pauperis*.
- (X) the party appealing should be DENIED leave to proceed *in forma pauperis* for the following reason(s):
  - (X) the court recommends that the District Court certify, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (an appeal is not taken in good faith when it fails to present non-frivolous issues).
  - ( ) the person appealing is not a pauper;
  - ( ) the person appealing has not complied with the requirements of Rule 24 of the Federal Rules of Appellate Procedure and/or 28 U.S.C. § 1915(a)(1) as ordered by the Court. (See Notice of Deficiency and Order filed on \_\_\_\_\_).

Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the plaintiff may challenge this finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this Order.

**SIGNED** this 13<sup>th</sup> day of April, 2016.

  
PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE